

RESOLUTION NUMBER R- 294874

ADOPTED ON MAY 22 2001


BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that LDR Mitigated Negative Declaration No. 40-0901, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of The City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Black Mountain Road Pipelines Project (formerly Rancho Bernardo Pipeline No. 2 and Black Mountain Ranch Reclaimed Water Pipeline).

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project, as required by this body in order to

mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By 
Catherine Bradley
Deputy City Attorney

CB:cdk
04/17/01
Or.Dept:Water
R-2001-1387

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

BLACK MOUNTAIN ROAD PIPELINES

(Formerly RANCHO BERNARDO PIPELINE No. 2 AND BLACK MOUNTAIN RECLAIMED WATER PIPELINE)

LDR No. 40-0901

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 40-0901) shall be made conditions of the Black Mountain Road Pipelines Project as may be further described below.

Geology/Soils

1. If trench excavation is deeper than ten feet below existing grade on Black Mountain Road between approximately Park Village Drive/Adolphia Street and Truman Street, excavation shall be performed in short sections with additional shoring in order to maintain side wall stability within the trench.

Air Quality

2. Fill and/or trench spoil material in each truckload shall be kept low enough to prevent spillage, and shall be sufficiently wetted down and/or covered with a secure tarp to prevent dust generation during transport.
3. Water or dust control agents shall be applied to active grading/trenching areas, unpaved surfaces and dirt stockpiles as necessary to prevent or suppress the particulate matter from becoming airborne. All soil to be stockpiled shall be protected with secured tarps or tackifiers to prevent windblown dust.
4. Electrical power from existing sources shall be used instead of diesel or gasoline fueled generators where feasible.
5. Truck drivers shall be instructed to shut down engines if waiting times longer than five minutes are anticipated.

Hydrology/Water Quality

6. Prior to construction, the Design-Builder shall submit a Notice of Intent to the San Diego Regional Water Quality Control Board (RWQCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) to be maintained at the construction site. **THE CONDITION TO PREPARE AND IMPLEMENT A SWPPP SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS.** The Resident Engineer shall be responsible for ensuring compliance with the SWPPP. The SWPPP shall contain applicable Best Management Practices (BMPs), specifically addressing, but not limited to, the prevention of sediment deposition and urban runoff pollutants into Los Peñasquitos Creek and the storm drain system along the project alignment from graded areas, soil stockpiles, trenching, etc.

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7. If groundwater is encountered and dewatering is required, then the groundwater shall be disposed by pumping to the sanitary sewer system or discharging to the storm drain system. If the groundwater is to be discharged to the sanitary sewer system, the Design-Builder shall obtain an Industrial Users Wastewater Discharge Permit from the City Metropolitan Wastewater Department. If the groundwater is to be discharged to the storm drain system, the Design-Builder shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the RWQCB.

Biological Resources

8. Prior to the first preconstruction meeting, the Design-Builder shall submit a letter to the Water Department verifying that a qualified biologist has been retained to implement the biological resources mitigation program. The Water Department Environmental Review Coordinator (ERC) shall forward the letter to the ERM.
9. Prior to the first preconstruction meeting, the Water Department ERC shall provide verification to the ERM that conservation credits equivalent to 0.13 acre of upland habitat have been assigned in the City's Marron Valley Cornerstone Lands Conservation Bank, as mitigation for project impacts to 0.13 acre of coastal sage scrub and non-native grassland.
10. The biologist shall attend the first preconstruction meeting and discuss the biological resources mitigation program with the Construction Manager and Contractor.
11. In the Los Peñasquitos Canyon area between Mercy Road and Truman Street, all construction-related activity outside of the Black Mountain Road right-of-way, including but not limited to clearing, grubbing, grading, excavation, stockpiling of excavated material, and storage of materials, equipment and vehicles, shall be limited exclusively to the area identified on the construction drawings as "Maximum Construction Disturbance Area" and outside of any wetlands. **THIS CONDITION SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS.**
12. Prior to initiation of any construction-related activity in the Los Peñasquitos Canyon area between Mercy Road and Truman Street, the biologist shall oversee the erection of temporary fencing at the limits of the "Maximum Construction Disturbance Area" as identified on the construction drawings. Where staging and construction areas drain into adjacent sensitive habitats, the biologist shall supervise the installation of appropriate erosion and sediment control measures (e.g., silt fencing and/or fiber rolls, berms, swales, detention basins). If measures being implemented by the construction crews during construction are determined by the biologist to be inadequate for protecting adjacent sensitive biological resources, additional measures shall be implemented, in consultation with the ERC and the ERM. The ERC shall coordinate with the Park and Recreation Department's District Manager for Open Space (DMOS). **THIS CONDITION SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS.**
13. If construction occurs in the Los Peñasquitos Canyon area between Mercy Road and Truman Street during the breeding season of the California gnatcatcher (March 1 to August 15) or least Bell's vireo (March 15 to September 15), the following measures shall be implemented:
 - a. Prior to any construction-related activity, a qualified biologist shall survey the portion of the project site within the Multi-Habitat Planning Area (MHPA), up to 500 feet from proposed construction activity, in accordance with the U.S.

Fish and Wildlife Service (USFWS) protocol for determining the presence/absence of California gnatcatchers and/or least Bell's vireo, and shall notify the ERM of the survey results.

- b. If no California gnatcatchers and/or least Bell's vireo are found to be present within the MHPA up to 500 feet of proposed construction-related activity, then vegetation clearing and project construction may commence.
 - c. If California gnatcatchers and/or least Bell's vireo are found to be present within the MHPA, construction-related activities within 500 feet shall not commence until temporary noise barriers are placed between construction activity and occupied gnatcatcher and/or least Bell's vireo habitat. The location of noise barriers shall be determined by the biologist and a qualified acoustician. Construction noise levels shall be monitored at the edge of occupied habitat with noise barriers in place. In consultation with the ERC, the ERM, and the DMOS, other measures shall be implemented, as necessary, to reduce one-hour average noise levels to 60 dB(A) L_{eq} or less, or to the ambient noise level if it already exceeds 60 dB(A) at the edge of occupied habitat.
 - d. With implementation of Mitigation Measure 13.c., construction noise shall continue to be monitored at least once weekly, at the discretion of the biologist and the ERM, to verify that one-hour average noise levels at the edge of occupied habitat in the MHPA are maintained at 60 dB(A) L_{eq} or less, or to the ambient noise level if it already exceeds 60 dB(A). If not, other measures shall be implemented (in consultation with the ERC and the ERM), as necessary, to reduce noise levels to 60 dB(A) L_{eq} or less, or to the ambient noise level if it already exceeds 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment, and limitations on the simultaneous use of equipment.
14. The biologist shall monitor construction within the Los Peñasquitos Canyon area between Mercy Road and Truman Street to ensure consistency with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines, as follows. If measures being implemented by the construction crews during construction are determined by the biologist to be inadequate for protecting adjacent sensitive biological resources, additional measures shall be implemented, in consultation with the ERC and the ERM. **THIS CONDITION SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS.**
- a. If lighting is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar). Using appropriate placement and shields, as necessary, the biologist shall ensure that night lighting is directed away from sensitive habitat within the MHPA, which is located outside of the "Maximum Construction Disturbance Area," and directed away from the tops of adjacent trees with potentially nesting raptors.
 - b. No direct drainage into the MHPA from the "Maximum Construction Disturbance Area," as shown on the construction drawings, shall occur during construction. The biologist shall supervise placement of gravel bags, straw logs, fiber rolls, silt fencing or equivalent erosion control measures along the construction limits to prevent sedimentation beyond the limits of the "Maximum Construction Disturbance Area."
 - c. No trash or oil dumping; storage of hazardous wastes or construction equipment/materials; or parking shall occur within the MHPA. These activities shall be permitted only within the designated staging area located


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outside the MHPA, and within the "Maximum Construction Disturbance Area."

- d. No fueling of equipment shall take place in the MHPA. Using appropriate catchment basins/devices, the Design-Builder shall ensure that fueling of vehicles occurs only within the designated staging areas located outside the MHPA, and within the "Maximum Construction Disturbance Area." Construction equipment shall be checked for leaks prior to operation and repaired as necessary.
15. Between September and May, following completion of construction in the Los Peñasquitos Canyon area between Mercy Road and Truman Street, all native habitat subject to temporary disturbance shall be revegetated (planted/hydroseeded) using appropriate species and monitored for a period of 25 months, in consultation with the Park and Recreation Department's DMOS in conformance with the City's Landscape Regulations in the Land Development Code. Prior to hydroseeding/planting, the biologist shall review the restoration plans to ensure all species are compatible with surrounding native habitats - no exotic, invasive species shall be utilized. During hydroseeding/planting, the biologist shall monitor the revegetation work to ensure adequate coverage.
16. During construction, the biologist shall provide monthly letter reports to the ERC with the results of: (a) the erection of temporary fencing around the "Maximum Construction Disturbance Area;" (b) the installation of erosion and sediment control measures, as necessary; (c) construction noise monitoring and assessment of the breeding/nesting behavior of affected California gnatcatchers/least Bell's vireo, as necessary; and (d) mitigation for lighting, drainage and other indirect impacts to the MHPA. The ERC shall forward these reports to the Mitigation Monitoring Coordination Section (MMC) of Development Review for logging and distribution to the ERM, the DMOS, and other applicable departments.

Noise

17. If blasting is required, all sensitive noise receptors (i.e., residences, motels, equestrian facilities, and educational facilities) within 400 feet of the blasting area shall be notified in writing by the Design-Builder at least two working days prior to the blasting work. Notification shall include the following: location, planned start time, duration, and name and phone number of the Water Department contact person for questions and noise complaints; copies of the notification shall be sent to the ERC who shall forward the notification to MMC.
18. Construction equipment shall be staged at least 500 feet from sensitive noise receptors where feasible, and shall be shut down when immediate use is not planned. This measure shall include idling trucks waiting to deliver or be loaded with materials. To the extent feasible, concrete trucks shall perform mixing and other activities that require engine revving a minimum of 600 feet from noise-sensitive land uses. Engine revolutions per minute should be kept as low as possible at closer distances.
19. If temporary traffic control signs, warning signs, or other similar equipment are located within 200 feet of a sensitive receptor, power must be supplied by batteries or other means not utilizing internal combustion engines.
20. The following measures shall be implemented when construction is to occur between 7:00 p.m. and 7:00 a.m. in proximity to residences, motels, or equestrian facilities.

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- a. Prior to the first preconstruction meeting, the Design-BUILDER shall obtain a Noise Control Permit from the City of San Diego Noise Abatement and Control Administrator. Prior to initiation of nighttime construction, the Design-BUILDER shall provide a copy of the Noise Control Permit to the ERC, who shall forward the permit to MMC. The Design-BUILDER shall comply with both the mitigation measures specified in this Mitigation Monitoring and Reporting Program as well as the conditions specified in the Noise Control Permit. If there are conflicting measures/conditions, the more stringent measures/conditions shall apply.
- b. The residences, motels, and/or equestrian and educational facilities adjacent to pipeline construction zone shall be notified in writing by the Design-BUILDER at least one week prior to night work. Notification shall include the following: location, planned start time, duration, and name and phone number of the Water Department contact person for questions and noise complaints; copies of the notification shall be sent to the ERC, who shall forward the notification to MMC.
- c. Each evening prior to pipeline construction along the following segments and any other segment that may subsequently be identified, 12-foot high temporary sound attenuation barriers shall be erected between the work area and the adjacent residences, motels, and/or equestrian facilities. **THIS CONDITION SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS.**
 - East side of Scripps Ranch Boulevard between Scripps Lake Drive and Mira Mesa Boulevard;
 - Both sides of Black Mountain Road between Carroll Canyon Road and Gold Coast Drive;
 - Both sides of Black Mountain Road between Hillery Drive and Mira Mesa Boulevard;
 - East side of Black Mountain Road approximately 500 feet north and south of Mercy Road;
 - West side of Black Mountain Road approximately 500 feet north and south of Park Village Road; and
 - West side of Black Mountain Road between SR 56 and Twin Trails Drive.

Transportation/Circulation

21. Prior to commencement of construction that directly affects movement of traffic along a public street as a result of lane closures, realignments, detours, narrowing, or erection of barriers or other traffic control devices, a traffic control plan shall be approved by the Engineering and Capital Projects Department's Transportation and Drainage Design Division. The traffic control plan shall include appropriate signs and other warning devices in advance of construction zones and shall also include posted notice prior to commencement of construction.

Paleontological Resources

22. Prior to the preconstruction meeting, the Water Department shall provide a letter of verification to the ERM of the Land Development Review (LDR) Division stating that a qualified paleontologist, as defined in the City of San Diego Paleontological

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Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE CONTRACTOR SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE CONSTRUCTION PLANS.**
- b. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor.
- c. The qualified paleontologist or paleontological monitor shall be on-site full-time during excavation at a depth of 10 or more feet into previously undisturbed formations with moderate and high resource sensitivity within the project segments identified below. This condition shall be shown on the construction drawings. The monitoring time may be decreased at the discretion of the paleontologist, in consultation with the ERC and ERM, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
 - Scripps Ranch Boulevard between Scripps Lake Drive and Mira Mesa Boulevard;
 - Mira Mesa Boulevard between Scripps Ranch Boulevard and Westmore Road;
 - Westmore Road between Mira Mesa Boulevard and Westonhill Drive;
 - Westview Parkway between Mira Mesa Boulevard and Black Mountain Road;
 - Black Mountain Road between Carroll Canyon Road and Mira Mesa Boulevard; and
 - Black Mountain Road from 3,000 feet north of Los Peñasquitos Canyon Creek to SR 56.
- d. **IN THE EVENT OF DISCOVERY AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY MMC AND THE ERC OF SUCH FINDINGS AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- e. The paleontologist shall be responsible for the preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and the submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- f. Within three months following the completion of construction, a monitoring results report, with appropriate graphics, summarizing the results, analysis,

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and conclusions of the paleontological monitoring program shall be submitted to and approved by the ERM of LDR.

Historical Resources (Archaeology)

23. Prior to the preconstruction meeting, the Water Department shall provide a letter of verification to the ERM of LDR stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE DESIGN-BUILDER SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
- a. **THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING SHALL BE NOTED ON THE CONSTRUCTION PLANS.**
 - b. The qualified archaeologist shall attend all preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor. **THE ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES.**
 - c. The qualified archaeologist or archeological monitor shall be present full-time during excavation of native soils. Monitoring is required for the mainline, laterals and all appurtenances that impact native soils as detailed on the plans or in the contract documents. This condition shall be shown on the construction drawings. It is the contractor's responsibility to keep the monitor up-to-date with current plans.
 - d. **IN THE CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF THE POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY MMC AND THE ERC OF SUCH FINDING AT TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before construction activities will be allowed to resume. For significant historical resources, a Research Design and Data Recovery Program shall be prepared, approved by LDR, and carried out to mitigate impacts before construction activities in the area of discovery will be allowed to resume.
 - e. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (sec. 5097.98) and State Health and Safety Code (sec. 7050.5) shall be followed. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Construction and/or ground disturbance activities shall be allowed to resume

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in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.

- f. All historical materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and speciality studies shall be completed, as appropriate.
- g. Within three months following the completion of construction, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the ERM of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted (within three months following completion of construction) to and approved by the ERM of LDR.

General

- 24. Prior to the first preconstruction meeting, the Design-Builder shall be responsible for the payment of a deposit of \$2000.00 to LDR to ensure the successful completion of the mitigation, monitoring, and reporting program.